

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 4835

IN THE MATTER OF:

Served May 9, 1996

Investigation of Unauthorized
Operations of C&M TOUR &
TRANSPORT, INC.

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Case No. MP-96-43

On March 19, 1996, the Commission received copies of ten driver time sheets obtained by the Federal Highway Administration (FHWA) during an audit of the records of C&M Tour & Transport, Inc. The time records were provided to the Commission pursuant to a September 28, 1971, cooperative agreement between the Commission and the FHWA under Public Law No. 89-170. These records indicate that respondent conducted operations within our jurisdiction on ten occasions during the six month period beginning September 1, 1995, and ending February 29, 1996.

A carrier may not engage in transportation subject to the Compact without a certificate of authority or temporary authority issued by the Commission.¹ Respondent has no operating authority from this Commission and will be directed to cease operations in the Metropolitan District.²

Article XIII, Section 1(c), of the Compact provides that the Commission may investigate a carrier to determine whether that carrier has violated the Compact. Article XIII, Section 6(f), provides that a person who knowingly and willfully violates a provision of the Compact shall be subject to a civil forfeiture of not more than \$1,000 for the first violation and not more than \$5,000 for any subsequent violation and that each day of the violation constitutes a separate violation.

We will initiate an investigation and allow respondent thirty days to show cause why a civil forfeiture should not be assessed for knowing and willful violation of the Compact.

¹ Compact, tit. II, art. XI, §§ 6, 13.

² Respondent's application for a transfer of Certificate No. 209 was conditionally approved on December 5, 1995, contingent on respondent filing certain documents within thirty days. In re C&M Corp. & C&M Tour & Transport, Inc., No. AP-95-25, Order No. 4715 (Dec. 5, 1995). The deadline was extended to April 5, 1996, in Order No. 4793, but respondent failed to comply with the extended deadline. Under the terms of Order No. 4715, the transfer application is, therefore, deemed denied.

THEREFORE, IT IS ORDERED:

1. That respondent is hereby directed to cease and desist from transporting passengers for hire between points in the Metropolitan District unless and until otherwise ordered by the Commission.

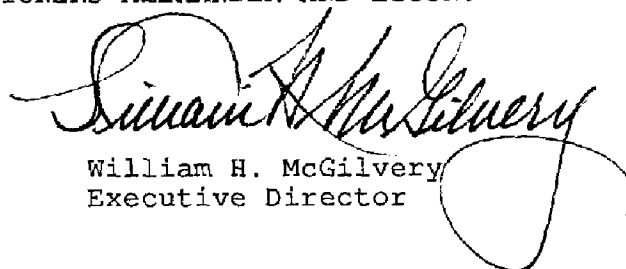
2. That an investigation of respondent's operations in the Washington Metropolitan Area Transit District is hereby instituted under Article XIII, Section 1, of the Compact.

3. That respondent shall have thirty days from the date of this order to show cause why a civil forfeiture should not be assessed with respect to its operations in the Metropolitan District during the six month period beginning September 1, 1995, and ending February 29, 1996.

4. That respondent may file within 15 days from the date of this order a request for oral hearing.

5. That any request for oral hearing must specify the grounds for the request, describe the evidence to be adduced and explain why such evidence cannot be adduced without an oral hearing.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS ALEXANDER AND LIGON:


William H. McGilvery
Executive Director